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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,094	03/30/2004	Kuo-Lien Huang	TAIW 221	3097
RABIN & BE	7590 03/21/2007 RDO P.C.	EXAMINER		
Suite 500 1101 14 Street, N.W. Washington, DC 20005			HARTMAN JR, RONALD D	
			ART UNIT	PAPER NUMBER
			2121	
SHORTENED STATUTO	RY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 DAYS 03/21/2007		PAF	ER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

,	Application No.	Applicant(s)	
	10/812,094	HUANG ET AL.	
Office Action Summary	Examiner	Art Unit	_
	Ronald D. Hartman Jr.	2121	
The MAILING DATE of this communication Period for Reply	appears on the cover sheet with	the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication - If NO period for reply is specified above, the maximum statutory pe - Failure to reply within the set or extended period for reply will, by st Any reply received by the Office later than three months after the mearned patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUNICA R 1.136(a). In no event, however, may a rep priod will apply and will expire SIX (6) MONTH tatute, cause the application to become ABAR	TION. y be timely filed S from the mailing date of this communication. DONED (35 U.S.C. § 133).	
Status		•	
Responsive to communication(s) filed on 3 This action is FINAL . 2b) Since this application is in condition for all closed in accordance with the practice und	This action is non-final. wance except for formal matter		
Disposition of Claims			
4) Claim(s) 1-15 is/are pending in the applicate 4a) Of the above claim(s) is/are with 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-15 are subject to restriction and Application Papers 9) The specification is objected to by the Exame 10) The drawing(s) filed on is/are: a) Applicant may not request that any objection to	drawn from consideration. /or election requirement. niner. accepted or b) □ objected to by		
Replacement drawing sheet(s) including the col 11) The oath or declaration is objected to by the	rection is required if the drawing(s)	is objected to. See 37 CFR 1.121(d)).
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the papplication from the International But * See the attached detailed Office action for a	nents have been received nents have been received in Approximately documents have been received (PCT Rule 17.2(a)).	lication No ceived in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date		nmary (PTO-413) Mail Date mal Patent Application	

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a generic control system, classified in class 700, subclass 1; and
- II. Claims 10-15, drawn to a method of updating drivers of an operating system remotely, classified in class 717, subclass 168.

The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as in a system or method that does not require the utilization of a server nor a requirement of updating drivers of an operating system nor a requirement that a motion is controlled, as is required by subcombination II. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 18, 2007 RDH x <u>POU</u>